IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6157 of 2005

Between:

Om Prakash Solanki S/o. Dagalaram Solanki
H.No. 3-1-194, Fathenagar, Balanagar mandal,
Cyberabad District.

... PETITIONER

AND

1 The Director General and Inspector General of Police,
Government of Andhra Pradesh, Lakidikapool,
Hyderabad.
2 The Commissioner of Police, Hyderabad District,
Basheerbagh, Hyderabad.
3 Rajendra Kulakarni DSI Crime Branch, Afzulgunj Police
Station, Afzulgunj, Hyderabad.

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Habeas Corpus petition quashing or setting aside the illegal detention Umedram Chowdary S/o. Laluram Chowdary, aged about 45 years C/o. Umedram Chowdary Pawnbroker Shop at 3-1-194, Fathenagar, Cyberabad District and Chunnilal S/o. Ruparam C/o. Mathaji Jewelers, Shoop No. 1-38, Tarnagar, Lingampally, Cyberabad District by directing the 3rd respondent to cause the production of the detainee before the Honourable Court forthwith and set him at

liberty forthwith from the illegal detention of the 3rd respondent.

Counsel for the Petitioner: SMT.Y.RAJA RAJESWARI

Counsel for the Respondents THE ADVOCATE GENERAL

The Court at the admission stage made the following:

ORDER: (Per BRSR,J)

The petitioner in the instant writ petition prays for issuance of a Writ of Habeas Corpus and to quash the illegal detention of one Umedram Chowdary, S/o.Laluram Chowdary, C/o.Umedram Chowdary, Pawnbroker, Shop No.3-1-194, Fathenagar, Cyberabad District and also to quash the illegal detention of one Chunnilal, S/o.Ruparam, C/o.Mathaji Jewellers, Shop No.1-38, Tarnagar, Lingampally, Cyberabad District. The petitioner also prays for issuance of a consequential direction to the third respondent to cause production of the detenus before this Court.

It is alleged that on 21.03.2005 at about 15.00 hours, the third respondent visited the shop of the detenu, Umedaram Chowdary, at Fathenagar and without issuing any arrest card, took him into his custody and proceeded to Taranagar Lingampally. In the similar manner, on the same day, at about 15.30 hours, the third respondent visited the shop of the detainee, Chunnilal, at Taranagar, and took him to his custody along with Umedaram Chowdary. The petitioner and some other members of the Money Lenders and Pawnbrokers Association met the third respondent to know as to why the detenus were taken into custody. The third respondent, instead of releasing the detenus, was threatening the petitioner and others to settle the issue.

That a detailed counter affidavit has been filed by the third respondent, Sub-Inspector of Police, in which it is *inter alia* stated that the alleged detenus are the receivers of stolen properties involved in various crimes including crime No.1062, 1034 of 2004 and 40 of 2005 on the file of the Afzalgunj Police Station. That on receipt of credible information about their role in receiving stolen

property, they were called to the police station on 25.03.2005 and caused enquiries. The investigation is still in progress. That one Mr.Pappulal, representing the Association came to the police station and gave an undertaking that the alleged detenus would be produced before the police as and when their involvement is established and accordingly both the alleged detenus left the police station along with the said individual. That so far as the alleged detenus are concerned, they have not been arrested nor they are kept in the custody of the third respondent in any manner whatsoever. The rest of the allegations made in the affidavit filed in support of the writ petition are denied in toto.

It is evident that there is no specific crime, as such, registered against any of the detenus and they were only required in connection with the investigation into the crimes referred to hereinabove. There is no material based on which the Court could come to any conclusion that the alleged detenus have been detained by the third respondent in an illegal manner as alleged in the affidavit.

However, it is needless to direct the third respondent to investigate the crimes in accordance with law and, in case, the alleged detenus are to be arrested, they shall be produced before the competent Court of criminal jurisdiction as is required in law. For the present, no relief could be granted nor any directions be issued at this stage.

The writ petition is accordingly closed.

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B. SUDERSHAN REDDY, J.

Date: 11.04.2005.

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C.V. RAMULU, J.

GS/TS

To

1 The Director General and Inspector General of Police,
Government of Andhra Pradesh, Lakidikapool,
Hyderabad.

2 The Commissioner of Police, Hyderabad District,
Basheerbagh, Hyderabad.

3 Sri Rajendra Kulakarni, DSI Crime Branch, Afzulgunj
Police Station, Afzulgunj, Hyderabad.

4 Two CCs to the Advocate General, High Court of A.P.,
Hyderabad (OUT)

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